(1)

Supreme Court, U.S.
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07-11 MAR 5 - 2007
OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES

WILLIAM SMITH (PRO SE)

Petitioner

V.

ALVIN FRIEDMAN, ET AL SUBSTITUTE TRUSTEE

Respondent

On Petition For Writ of Certiorari To The

COURT OF SPECIAL APPEALS MARYLAND
PER SUPREME COURT EXPRESS WAIVER
CASE NO. (01-1391)

PETITION FOR WRIT OF CERTIORARI

(pro se) William Smith
1001 Saddle Hill Rd. Deland FL. 32720
PH# 386-748-8030

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QUESTION PRESENTED FOR REVIEW

(1) The supreme court, must honor constitutional guaranteed bill of rights due process, and equal protection, authority over this case illegal jurisdictional questions of laws, in conflict with standard, other legal jurisdictional authority. Let justice be done though the heavens should fall. Respondent never had a legal case (a) Preserve truth of fact, no one is above the law. (b)All courts must answer the due process and equal protection compelling justice question strict scrutiny of the case, for court err, right to over rule constitutional authority as stated in the law of the land protection to the people Safety.

(2) The courts were not legally correct, on the law justice question of constitutional guaranteed bill of rights authority, supervision of the lower court err of lack of jurisdictional authority, as per standard conflict to constitutional requirement, of preserving rights to **(a)Amendments #1 redress.-- Amend #4 unreasonable searches and seizures shall not be violated.—Amend #5 Deprive of life, liberty, property without due process of law.—Amend #6 Deprive confrontation with respondent and witnesses against petitioner.—Amend #7 Deprived of preserved right of trial by jury . Amend #8 10 years of extreme undue prejudice, cost is an unusual punishment inflicted. Amend #14 Deprived of good life, life, liberty, property without due process of law.-- Deprived within the Maryland circuit court jurisdictional, authority, the equal**

protection rights of the laws. As stated in this legal respondents jurisdictional omission duty. And unconstitutional conflicts, lack of jurisdictional authority to all courts to this end.

(3) Court was not legally correct, on the justice of respondents express waiver admission consent, to the lack of jurisdictional authority to all courts, as per constitutional standard principle of law, legal authority over the whole complete case. As true. (a)Court can not use the authority to benefit the respondent, and entrap the petitioners constitutional rights as legally guaranteed to resolve this case **justice not impossible remedy.**

(4) The respondent (extrinsic fraud) omission dispute lack of legal jurisdiction to all courts, is intent with knowledge, motive of (extrinsic fraud). Requesting known illegal (Ex parte) hearing. Received circuit court defective summary judgment on illegal (Ex parte) hearing, And use of forged document, to convince court to err, and sustain err, with the court having no knowledge the above is fraud, as fraud on the court. **The Respondent own free will express waiver of admission corroborates these question as true before this court can not cure the remedy for fraud.**

(A) Under constitutional guaranteed due process of law, for justice for all, format standard, can never out weigh, over rule, take precedence over quality substance in evidence truth (**justice**) before the court must **prevail . FICTION MUST YEILD TO TRUTH.!?**

(B) A person who commits this evil deed secretly, is by constitutional law is punished more severely than one who acts openly. Respondent (extrinsic fraud) to this illegal lack of jurisdictional authority to all courts, was done secretly from an illegal intentional fraud foreclosure un certifiable debt dispute. Which is by law, not in existence, not true, NO DEBT, not enforceable by (contract) Constitutional Standard of Law. **Is fraud on the court.**

(C) The request is for, this Great court to expand its constitutional guarantees jurisdiction, to a legal finding of the respondent as guilty of this crime, by due process, and equal protection rights of the preponderance of evidence, in the record, corroborated by the legal respondents own free will clear and convincing express waiver of admission consent, legal justice evidence. **The guilty must not go free, for committing the crime. And court err punish the innocent.**

(D) <u>COURT WAS NOT LEGALLY CORRECT ON TRUTH,FACTS,EVIDENCE,WAIVER PER LAW</u> Court did not legally finalize the respondent express waiver guilty (plea) and give damages to the known innocent petitioner, and required standard by law of the land.!? **Clearly Reversible err.**

(E) It is the CRIME that causes the shame and not the SCOFFOLD.) Respondent bad faith intent, caused this cause, that cause this evil effect.

(F) QUESTION- **Good law justice,** Requires **no impossible remedy**, for the strongest justice in law. Respondent free will **Express waiver consent makes law.? The respondent illegal crime made this their advantage to law, should also have the crime's defense, disadvantage, if justice is to be served.**

(G) QUESTION **Cold reality,** Courts Judgments **double standard** against **equal justice. The same law protection, the respondent exercise, is the same law protection the petitioner possess.**

(H) QUESTION FACT. By law, by evidence in the records, and by respondents admitting the (pro se) petitioner is innocent and the respondent is guilty. Why is this (extrinsic fraud), fraud on the court, court lack of legal jurisdictional authority, circuit court action barred by constitutional due process and equal protection strict scrutiny of law SO WHY IS IT, TO THIS DATE, AN IMPOSSIBLE FINALIZING, FAIR JUDGMENT FOR THE PLAINTIFF FOR THIS COURT'S JUSTICE REMEDY TO FIT THE CRIME GIVE RELIEF.!?

(I) Respondent Aug-20-97, with knowledge ,motive, intent of the bank fraud foreclosure, the bank would not certify the debtless foreclosure, had no case, but secretly still committed fraud on the court.

(J) Frivolous law suite, that never should have been filed.

LIST OF PARTIES

[ ] All parties do not appear in the caption of the case on the cover page. A List of All parties to the proceedings in the court whose judgment is the subject of this petition is as follows.

Agent #1 case CAE-97016794 (Extrinsic Fraud) Respondent substitute trustees. Supreme Court bar Kenneth J. Mac Fadyen, P.A, Totman building suite 400, 210 E. Redwood Street, Baltimore MD.21202—Ph# (410) 685-1763

Respondent's Circuit Court only (Extrinsic Fraud) Attorney Tessa Laspia Frederick, Miles and Stockbridge P.C. 10 Light Street Baltimore MD. 21202—PH# (410) 727-6464.

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OPINIONS BELOW

This unreported opinion of the court of special appeals order No. 906 Sep term. 2005, Maryland Rule 8-114

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unreported opinion conflict per respondent express waiver of admission consent principle standard requirement of constitutional law authority in err.-1-30

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JURISDICTION

[ ] For cases from state court, Maryland court of appeals reconsideration order Appendix #11 Dec-8-06-Appendix #10 jan-12-07-(??)----------1-30

CONSTITUTIONAL AND STAUTORY PROVISIONS INVOLVED

Amendments #1, - #4,- #5,- #6,- #7,- #8,- #14 (in conflict with court err decisions per all events, on constitutional guaranteed due process and equal protection strict scrutiny. For circuit court of Maryland, and all court their after lack of legal standard jurisdictional authority to any and all courts.

Resting on the respondent filig its free will express waiver admission contented defense of a guilty (plea), to the (Extrinsic fraud of the court. The respondent consented crime, was excepted, and consent to, into law by the U.S. Supreme Court, to this reversible err end.\, compelling this one party legal appeal.

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CASE LAW- "An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them and opportunity to present their objection. The notice must be of such nature as reasonable to convey the required in formation." **Mullane V. Central Hanover Bank & Trust Co., 339 U.S.3006, 314, 70 S. Ct. 652, 657, (1950) (Jackson, J.)----------12**

CASE LAW – "Due process of law in each particular case means, such an exertion of the powers of government as the settled Maxim of law sanction, and under such safeguards for the protection of individual rights as those Maxims prescribe for the class of cases to which one in question belongs." **Thomas M. Cooley, A Treatie on the Constitutional Limitations 356 (1868) ----------11**

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IN THE SUPREME COURT OF THE UNITED STATES PETITION FOR WRIT OF CERTORARI

Petitioner respectfully pray that a writ of certiorari be issuse this lack of jurisdictional authority, formal supreme court waiver case #(01-1391) filed 4-12-02- Deprived Amend #1,-4,-5,-7,-8,-14 equal protection..

OPINIONS BELOW

[ ] For cases from state court: Opinion of the court of special appeals Maryland.
The opinion of the highest state court to review merits at **appendix #13** June 8-06----------
[ ] Reported at ----------or
[ ] Has been designated for publication but is not yet reported, or .
[x] Is unreported Maryland Rule 8-114, unreported opinion..

JURISDICTION

[x] For cases from State Courts; Maryland Court of Appeals.
[x] A timely petition for rehearing for the following date was denied (Dec 8-06) (Jan-12-07)- U.S. Supreme Court reordered (March 8-07) to this format.
Jurisdiction of this court is invoked under 28 U.S.C. $ 1257 (a)

CONSTITUTIONAL AND STATATORY PROVISIONS INVOLVED

CONSTITUTIONAL AUTHIRITY

CONSTITUTIONAL BILL OF RIGHTS

Amend **page**

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Amend #14 Deprived of (state) life, liberty, property without due process of law. Deprived state equal protection of all laws strict scrutiny against discrimination ---------- 1-30

AFFIDAVIT

" I William Smith under the penalty of perjury, due solemnly swear and affirm on personal knowledge, I am over 18 years of age. I am competent to testify in any court, on all evidence contents were timely placed before all court for this lack of jurisdictional authority respondents matter, failure of duty to all courts err and statement of the petitioner herein are true.

RESPECTFULLY SUBMITTED

CERTIFICATE OF SERVICE

I William Smith certify a true copy of this notice of appeal and its petition for writ of certiorari was sent to new noe Supreme Court attorney T.L. Frederick law office of Miles and stock bridge #10Light Street Baltimore Maryland 21202 ph# (410-727-6464.)

To Supreme Court bar attorney Kenneth J. Mac Fadyen law office of Friedman and Mac Fadyen PA. Totman Building suite 400, 210, (E) Redwood Street, Baltimore Maryland 21202-3399

From William Smith (pro se) petitioner, 1001 Saddle hill rd deland FL. 32720—PH# CELL 386-748-8030 HOME 386-734-0456

RESPECTFULLY SUBMITTED

STATEMENT OF THE CASE
JURISDICTIONAL ONE PARTY APPEAL.

(A) For about 10 years, review, after review, circuit Courts lack jurisdictional questions of law authority truth, is reversible err, on constitutional questions, issues in conflict err. **NO** Courts has cured greedy predator lenders fraud action, greed to steal public and petitioner home and free money. Court err Impunity help respondent to sustain the stolen poor citizen home and property, taken under omission, an of admission to false pretense by fiction of law Default less foreclosure that was never certified as a fair debt on legal request. **Question** With no **legal fair debt to rest court erred judgment material fact in dispute!?**

(1) The records will clearly show, **(truth of fact,** our people, are dying each day in foreign lands, to give some people who hate us, with extreme evil prejudice, **an** our constitutional due process and equal protection **justice SAFETY scrutiny way of life, justice** that this known innocent petitioner in this case,-- **justice** is clearly being denied by courts **emotional err,** under our guaranteed constitutional **standard protection** SAFETY scrutiny, or **our greatest authority**, as the law of the land truth, **demands this case, is not impossible remedy of** any **legitimate** jurisdictional court of **law." RATIONAL STRICT SCRUTINY QUESTION test for this justice review remedy.!?** Maryland circuit court reversible jurisdictional err.

FORM CAN NOT OVER RULE SUBSTANCE AND TRUTH OF FACTS IN EVIDENCE LAW

COURT **COMPELLING POINT OF LAW, rights, REASON FOR LEGAL REVIEW.** Court lack legal jurisdictional authority, **in err,** is **harmful,**

Facsimile/ Signature/ Exact Copy
6295-973-s-5943-Maryland—VA. Form 26-6318c-(home loan)- jul.1977, U.S. optional, section 18 13, Title 38- U.S.C. Acceptable to Federal National Mortgage Association . DEED OF TRUST

This Deed, made this 17th day of March 19- 86 by and between William Smith, party of the first part, and Stephen J. Troese and Kuda, Trustee, as herein after set forth, party of the second part:-- Mar.27-12:18 pm

Whereas, the party of the first part is justly indebted on to Guardian Mortgage and Investment Corporation. A corporation organized and existing under to laws of Virginia in the principle sum of ninety four thousand three hundred and no / 100 dollars ($94,300.00), with interest from date at the rate of nine and one-half per centum (9.50%) per annum on unpaid balance until paid, for which amount the said party has signed an delivered a certain promissory, NOTE- Bearing even date here with and payable in monthly installments of seven hundred ninety- two and ninety three/ one hundred dollars ($ 792.93), commencing on the first day of May, 1986, and continuing on the first day of each month thereafter until the principle and interest are fully paid, except that the final payment of principle and interest, if not sooner paid, shall be do and payable on the first day of April 2016.

And where as the party of the first part desires to secure the prompt payment of said debt an interest their on, when and as the same shall become due and payable, and all cost and expenses incurred in respect thereto, including reasonable counsel fees incurred are paid the said party of the second part of substituted trustee or by any person hereby secured, on account of

any litigation at law or in equity which may arise in respect to this trust or the property hereinafter mentioned, and all money which may be advanced as provided herein, with interest on all such cost and advances from the day thereof.

Now thereof, this indenture witness the party of the first part, in consideration of the promises, and of one dollar, law full money of the United States of America, to them in hand paid by the party of the second part, the receipt of which before the sealing and delivery of present is hereby acknowledge, has granted and conveyed and does hereby grant and convey unto the party of the second part, as trustee, its successors and assigns, the following described land and premises, situate in the county of prince Georges and state of Maryland to writ:

Lot number two (2) in block lettered "B", In the subdivision known as "plat one, Kimberly woods ", as per plat recorded in plat book 97 plat book plant No. 16, among the land records prince Georges county Maryland.

Including, but not limited to the following chattels: range refrigerator, dishwasher, washer/dryer garbage disposal vent fan w-w- copy CAC.—PG county stamp.

In the event this loan is not insured by veterans administration within 60 days of settlement the entire loan may be declared due and payable at the option of the lender.

This is a refinancing of a deed recorded in liber in 5356, folio 679, by the original mortgagor which has a pay off balances of $90,244.00 this is the mortgagors primary resident

---

Signature Page----------

In witness where of I have hereunto set my hand and fixed my official seal the day and year aforesaid (s) notary public.—I hereby certify that on this 17th day of Mar., 19th-86,before me the subscriber, a notary public in an for the state of Maryland and the county of Prince George's, personal appeared Byron L. Huffman an agent of guardian Mortgage an investment Corporation the party secured by the foregoing Deed of Trust, and made oath in due form of law that the consideration recited in said Deed of Trust ($94,300.00 is true and bonafide as herein set forth; and that the loan sum secured hereby has been paid over and disbursed by the party secured hereby unto the within name party of the first part of the responsible for the disbursement of funds in the closing transaction or their respective agent at a time no later than the execution and delivery of this Deed of Trust by the Borrower, and also make oath that he is the agent of the parties secured and is duly authorized to make the affidavit as witness: My hand and notary seal. (s) Notary republic—My commission expires 7/1/86. Remit to guardian Mortgage an investment Corporation. 6575 Edsall Rd. Springfield Md. 22151.—I hereby certify that I am admitted to practice before the court of appeals State of Maryland and this instrument was prepared under my supervision. (s) Byron L. Huffman.

(Appendix #1 appeared in 8-6-99 hearing, to date)

Bank America Mortgagor letter head
Facsimile/ Signature/ Exact Copy
Oct 10th -96

William Smith 11604 Kimberly Wood Fort Washington Maryland 20744—RE: Loan No. 0003853769 check for $ 1,200.00

We are returning your recent payment before it is not sufficient to bring your loan current. The delinquence constitutes a default under the terms of your mortgage and we must receive $2,653.91 in order to reinstate your loan.—If you have any questions please call our customer service Representatives. Default manger Toll Free No.1-800-552-7992,- Richmond- 804-762-5300.

Signature (S) William Smith check No. 3890 alteration $3407—Sept.1 (3),96 Signature (S) 02/t Bank of America F.S.B.-- $1,200.00 one thousand two hundred dollars.—citizen bank (Sept.-97) 0003853769 Signature (s) William Smith

(Appendix #2 Appear in 8-6-99 events to date.)

Bank America letter head
Facsmile/Signature/ Exact Copy
August 6-97

William Smith 11604 Kimberly Woods lane, fort Washing Maryland 20744—RE: Loan No. 0003853769—dear Mr. Smith—We are returning your money orders totaling $1,200.00 because they are insufficient to bring your loan current your mortgage is currently due for the Nov-1-,1996 thru Aug-1-1997 payment, plus all accrued ancillary fees and attorney's fees and cost.—we have referred your account to our attorney foreclosure action. All father communication must direction to :-- friedman and Mac Fadyen: PA. attention Alvin E. Friedman, 2-10 east redwood Baltimore MD. 21202 Phone No. (410-685-763 Sincerely (S) Thomas D. Wright. Foreclosure department.-1-804-762-5275

(Appendix #3 appear in 8-6-99 event to date.)

Friedman & Mac Fadyen P.A. Law offices letter head— Facsmile/ Signature/ Exact Copy
July 11, 1997

Mr. William Smith, 11604 Kimberly Wood lane, fort Washington Maryland.—RE:11604 Kimberly Woods lane, our file No. 507685.—Dear Mr. Smith: On March 17th, 1996 you borrowed money from Guardian Mortgage and Investment Corporation and Executed a Mortgage/ of trust and note Secured by the above reference property. Since that time your loan has been transferred to Bank of America, F.S.B. the current note holder and/ are servicer, the loan has been referred to this office for legal action based upon a default under the term of your mortgage deed of trust and note this office has been retained to institute foreclosure proceeding under the loan agreement.

Pursuant to the fair debt collection practice act, we are providing the following information. The principle balance as of the date of default is $84,333.68. In addition to the principle balance also owed satisfy the indebtedness are the following item: Accrued interest escrow advances (If any), and any other charged due pursuant to the terms of the mortgage/ deed of trust and note. If within **thirty (30) days** from receipt of this letter you failed to dispute all or part of the debt, the debt will be assumed as valid if you notify this office in writing within the **thirty (30) day.** Period that the debt, or any portion thereof, is disputed, this office will obtain verification of this debt and a copy of such verification will be mailed to you. Upon your written with in **thirty (30) days** period, this office will provide the name an address of the original note holder, if

different from the current noteholder. (Page 2)—Mr. William Smith—This notices doesn't constitute an effort to collect a debt. The personal liability of which has been discharged in a chapter 7 proceeding.

Should you which to reinstate or pay-off your loan, please contact a foreclosure department at the above telephone # between the hour of 9:00 am and 5:00 pm and ask for (s) Lynn at extension 118 or (s) Linda at extension 172.

THIS IS AN ATTEMPT TO COLLECT A DEBT AN ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.—VERY truly your friedman and Mac Fadyen P.A. (S) Kenneth J. Mac Fadyen.—Kjm: rcp first class mail

(Appendix #4- 4A appear in 8-699 events to date.)

William Smith 11604 Kimberly Woods lane fort Washington Maryland 20744 letter head
Facsmile/ Signature/Exact Copy
August 5th 1997 (first)—(second) august 14th 1997

Law office, Friedman &Mac Fadyen, P.A.—Totman Building- Suite 400, 210 East Redwood Street Baltimore, Maryland 21202-3399—ph# (410)-685-1763, Fax #(410)-727-1759.

(No reply to same why?—first an second request)
Dear Sir.—I William Smith of the above address, (your file #,bank of America loan #0003853769,) do hereby dispute bank America accounting of the foreclosure debt.—Please give me the information that I have requested from day one (see the many copies of Jan.22nd, 1997 letter from bank America to Smith and return of same.—Please (see) April 15, 1997 letter to bank America from Smith with April, 97 payment with payment).—(A) In this letter.—Please see (July 26-1997) letter to Bank America from Smith)—(B) in this letter—sincerely (S) William Smith.

(Appendix #5 appeared in 8-6-99 events to date)

Friedman & Mac Fadyen, P.A., Law offices letter head Facsmile/Signature/Exact Copy
(Exhibit A)—September 17, 97

Mr. William Smith, 11604 Kimberly Woods Lane fort Washington Lane 20744—RE: 11604 Kimberly Woods Lane Loan # 0003853769, our file #507648.
Dear Mr. Smith:-- Enclosed here with please find your check No. 6752050024 in the amount of $600.00. and check No.67520500435in the amount of $600.00. remitted as payment to the above captioned account.—The funds are being returned as they are in sufficient to reinstate your loan.—this is an attempt to collect a debt and any information will be used for that purpose

U.S. Postal Service Green Certified Mail Return Receipt – Box #2, No Restricted Delivery.? Box #3 William Smith 11604 Kimberly Wood Lane fort Washington Maryland, with Postal Service stamp fort Washington Maryland Sept. 19-97. Box #4 A article # P 969 340 332. Box B Service type Marked Certified. Box #5 Received by print name (S) William Smith (Forgery) . Box #6 (S) addressee or agent (s) William Smith (Forgery). Box #7 date of Delivery 9,18,97.!???

(Appendix #6 appear in 8-6-99 event to date.)

Circuit Court of (s) Prince Georges County—Civil—domestic case information sheet—CAE—97—16794 Facsmile/Signature/Exact Copy

Directions: Plaintiff: This information sheet must be completed and attached to the complaint filed with the clerk of the court. A copy must be included for each defendant to be served. NOTE: If the information sheet is not completed, **NO ACTION** on this case will be commence and the complaint maybe subject to dismissal—**Defendant:** You must complete bottom portion on page #2 and **file your answer.** This information sheet **CAN NOT** be accepted as an **answer are response**.—Failure to file this form will deem to be an **agreement** with the plaintiffs information.

CASE NAME—Alvin E. Friedman Plaintiff V. (S) (forgery) Smith defendant—CASE NUMBER—(Clerk ID insert). Plaintiffs name Alvin E. Friedman. Phone # (410)-685-1763. Attorney Address:- (210 East Redwood Street, Baltimore, Maryland-21201). [ ]—I am not Representative by an attorney jury Demand: [ ] Yes [ ] No—Anticipated length of trial:--0—days are –0—hours:-- Related case pending [ ] yes [x] no. If Yes case # (s), if known. Has any form of allemate dispute resolution (ADR) been tried ? [ ] yes [x] no. If yes, Describe:-- Is there any reason (ADR), IS NOT advisable .? [x] yes [ ] no. If so state reason.—("This is a Mortgage foreclosure case. Presently there are no issues in dispute."

NOTE- The rest of page one (of this civil—non domestic case information sheet) is (NA) (NOT filled out). (Appendix #7)

Page #2 of 2 Appendix #7-7A
Circuit Court of prince George's County—Civil—Non domestic case information sheet.

Facsmile/Signature/Exact Copy

Nature of action (plaintiffs and defendant is (NA)

Track assignment requested (see reverse side of criteria)—[x] expenited (trial date- 90 days)—Do you plan to consolidate this case [ ] yes [x] no. Case No:-- provided any VACANION dates that may conflict in scheduling the settlement conference (30 days) prior to trial, and date.—(non anticipated.)—Briefly describe why this case should be assigned to a track other than the standard track.—("It is a foreclosure case and does not require extensive litigation.")

Relief Sought to date anticipated: (NA)

Witnesses: Estimate the number of witnesses for your side of the case—0—Will there be out of state witnesses or parties in this case, [ ] yes [x] no.—("No trial for seeing at this time.)"—Plaintiff certification: [x] " I hereby certify that I have accurately provided the above information to the best of my ability,-- (S) Alvin E. Friedman, Esquire.

THIS SECTION IS (NA)

NOTE- The defendant/ **(pro se)** petitioner **did not** receive, or fill out, or signed for, any part of page #1 and or page #2 to this end.!?

(Appendix 7-7A appear in 8-6-99 events to date.)

WAIVER—SUPREME COURT OF THE UNITED STATES—Supreme court case number.(01-1391)—William Smith (petitioner) V. Friedman and Mac Fadyen, P.A. (respondent).—**I don not intend to file a response** to the petition for writ of certiorari unless one is requested by the court.—Please check one of the following boxes:-- [A) Please enter my appearance as counsel of records of all respondents.—[ ] there are multiple respondents, and I do not represent all respondents—Please enter my appearance as counsel of record for the following respondents (S).: (Kenneth J. Mac Fadyen)—I certify that I am a member of the supreme court, of the united states (--Please explain if your name has changed since your admission signature --(S)—date—(4-12-02).—type or print name—[x] Mr. (Kenneth J. Mac Fadyen.)—firms (Friedman & Mac Fadyen P.A.)—address- (210 E. Redwood Street, Suite 400).—City and State—(Baltimore Maryland). Zip-21202. Phone# (410) 685-1763,- Ext.- 131.—a copy of this form must be sent to petitioners counsel or to petitioner if (pro se).—Please indicate below the name (S) of the recipient (S) of a copy of this form no additional certificate of service is required.—See Reverse for information concerning the status of a case on the docket. (cc)—Mr. William Smith, c/o Mary Moore, 1123 congress street, S.E. Washington, D.C. 20032

(Appendix #8 appear from this date in events after)

WAIVER-- SUPREME COURT OF THE UNITED STATES—Supreme Court case Number. (03-886)—William Smith (petitioner) V. Bank of America mortgage F.S.B. (respondent).—I do not intend to file a response to the petition for a writ of certiorari unless one is requested by the court.—Please check one of the following boxes:-- [ ] Please enter appearance as counsel of record of all respondents—[x] there are multiple respondents, and I DO NOT represent all respondents.—please enter my appearance as counsel of record for the following respondents (s),: (Bank America Mortgage, F.S.B.)—I certify that I am a member of the bar of the Supreme Court of the United States,(Please Explain if your name has changed since your admission.— Signature—(S)—Date—(1-15-04).—type or print name—[x] (Mr. Edward Hutchinson Robbins, Jr.)—Firms (Miles & Stockbridge P.C.)—address- (#10 Light street)- City and State—(Baltimore Maryland).Zip—21202.—Phone # (410) 727-6464 Ext.)—A copt of this form must be sent to petitioner counsel or to petitioner if (Pro se).—Please indicate below the name (S) of the recipient (S) of a copy of the form. No additional certificate or service is required.—See Reverse for information concerning the status of a case on the docket (cc)—Mr. William Smith, 1001 Saddle Hill rd Deland Fl. 32720 (pro se).

(Ap[illegible]ndix #9 appear from this date all events after)

IN THE COUNTY COURT IN AND FOR VOULISA COUNTY FLORIDA.—CHASE BANK U.S.A., N.A. Plaintiffs VS. WILLIAM SMITH, Defendant—Facsmile/Signature/Exact Copy of Court Stamp—Original of this document in the office of clerk of the circuit court, Volusia County Florida This 21st of June 2006—Clerk (S) by Deputy Clerk **Case No.2006 10769 CODL.**

PLAINTIFF ANSWER TO DEFENDANT COUNTER CLAIM IS DEFECTIVE SUBSTANTIVE AND INSUFFICIENT HAS NO ANSWER—Substantive defective, and Insufficient to answer, and (plea), of good law.—(1)Chase **denied,**--is a one word sufficient answer, and with no Chase (plea), or inference statement to a legal prima facie case, or defense.—(2) Chase **denied**—is a one word insufficient answer, and with out no chase (plea,) or inferences statements to a legal prima facie case or defense.—(3) Chase **denied**—is a one word insufficient answer, and with no chase (plea) or inferences statements to a legal prima facie case or defense.—(4) Chase **denied**—is a one word insufficient answer, and with no chase (plea) or inferences statements to a legal prime facie case of defense..—(5) Chase **allegation** to defendants paragraph is insufficient—Chase whole defective case (breach of contract by fraud), rest on Chase knowledge of the truth of Material facts of this case.

(Appendix #10 appear in these two courts only.)

IN THE COUNTY COURT IN AND FOR VOULSIA COUNTY STATE OF FLORIDA—GMAC MORTGAGE LLC, ETC. plaintiff VS. WIILLIAM SMITH defendant—Facsmile/ Signature/ Exact Copy of court stamp.—Original of this Document filed in the office of the clerk of the Circuit Court Volusia County Florida.—this 12 of March 2007 (S) by Deputy Clerk **Case #2007,10025 CIDL**—DEFENDANT FILE THIS SUPPLEMENTAL GAMC 'S DEFAULT RESPONSE TO ITS FRAUD FORCLOSURE AND FAIR DEBT PRACTICE ACT, NO TIMELY VERFICATION OF THE DEBT—The (pro se) defendant in good faith, timely make the court aware GMAC and its agent has defaulted on its legal promise of verification on the Gmac's fraud foreclosure (illegal default) of October and November 06 payments confirm and corroborated in all record as true, this case filed in this court Jan -8-07 as not true? GMAC has Also defaulted on this timely answer, and (plea), to the defendants fraud foreclosure counter claim.!?—This default put my family, home, Safety, and piece of mind at risk.—**NOTE**- This GMAC fraud foreclosure summons was presented to the defendant, by the Sheriff Jan.-17-07.—the summons state clearly, the defendant had 20 calendar days to file a written response.—**NOTE-** The defendant did file its timely response to this fraud foreclosure Jan.-19-07 with corroborating strong, compelling indisputable evidence.

(Appendix #11 appear in these two courts only.)

SUPREME COURT OF THE UNTIED STATES OFFICE OF THE CLERK WASHINGTON DC. 20534-0001—March 8th- 2007 Facismile/ Signature/ Exact Copy.—William Smith 1001 Saddle Hill Rd Deland Fl. 32720—RE: Smith VS. Friedman, ET AL.—Dear Mr. Smith:-- The above entitled petition for a writ of certiorari was post mark March 5th 2007 and received March 7th 2007.—the papers are returned for the following reasons (s):-- If you attend to pay the $300.00 Docket fee, the petition must be in booklet format and on paper that measures 6 1/8 by 9 ¼ inches and comply with the filing requirements of rule 33.1— However, if you wish to proceed in forma Pauperis, you must also submit a motion for leave to proceed in forma pauperia and a Notorized affidavit or Declaration of Indigency.—You may use the enclosed form. Rule 39—You need only to provided an original and 10 copies of the petition and motion for leave to proceed in forma pauperis. Rule 12.2.—Please correct and resubmit as soon a possible. Unless the petitioner is receive by this office in correct form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.—A Copy of the corrected petition must be serve on opposing counsel.—Your $300.00 money order is here with returned.—Sincerely William K. Suter, Clerk by (s) s. Elliot (202) 479-3025 enclosures

(Appendix #12 appear in this event only.)

IN THE COURT OF SPECIAL APPEALS—
Facsmile /Signature/Exact Copy

William Smith Appellant V. Alvin ET. AL., Substitute Trustee Appellees—Case No. 906—Sep. term, 2005—ORDER—Upon consideration of appellant's Motion for reconsideration of the unreported opinion filed on april-28-06 in the captioned appeal, in is the 8th day of june, 2006, by the court of special appeals order that the motion for reconsideration is denied--. For a pane of the court—stamp—(Chief Judges Signature (s) appears on original order)—Chief Judge

(Appendix #13 appear from this date, all events after)

IN THE CIRCUIT COURT OF PRINCE GEORGES COUNTY MARYLAND—Facsmile/ Signature/ Exact Copy/

Alvin Friedman, ET. AL. Substitute Trustee Plaintiff V. William Smith defendant—Case # CAE 97-19794- ORDER OF COURT-Upon consideration of" the (pro se) Set Aside Motion of September 17, 04 is again Requested to be timely Resolved, as per Constitutional Law" to the Circuit Court's Judgments file by Defendant, William Smith, this Court finds for the foregoing Motion is without Merit and has been previously denied by the court on May 16, 05 this court will not consider this motion again—Accordingly, it is this 6th day of June, 05, by this Circuit Court of Prince Georges County Maryland—order, that the (pro se) Set Aside Motion for September 17, 04 is again Request to be timely

resolved as per Constitutional Law be, and hereby is denied .—(s) Steven I. Platt, Judge—Copies Mailed by the court to :-- Kenneth J. Mac Fadyen, Esquire—Friedman & Mac Fadyen, P.A.—Totman Building Suite 400. 210 East Redwood Street Baltimore, Maryland 21202

(Appendix #!4 Appear from this date, all events after)

IN THE CIRCUIT COURT OF PRINCE GEORGES COURTY MARYLAND—Facsmile/Signature/Exact Copy

Alvin Friedman ET, AL. Substitute Trustee Plaintiff V. William Smith Defendant—order of Court—Upon Consideration "The (pro se) Set Aside Motion for September 17, 04 is again requested to be timely resolved, as per constitutional law." To the circuit court judgments filed by defendant, William Smith, this court finds that the foregoing Motion is without merit.—Accordingly, it is this 16th day May, 205, by this Circuit Court for Prince Georges County, Maryland.—ORDER, That the motion be, and hereby is denied.—(s) Steven I. Platt, Judge—Copies Mailed by the court to:-- Kenneth J. Mac Fadyen Esquire—Friedman and Mac Fadyen, P.A.—Totman Building, Suite 400. 210 East Redwood Street Baltimore Maryland 21202

(Appendix #15 appear from this date, all events after)

IN THE COURT OF APPEALS OF MARYLAND
Facsmile/ Signature/ Exact Copy
William Smith V. Alvin Friedman ET.AL. Substitute trustee—petition docket No. to #242 Sep. term 2006 – (No 906) Sep term, 2005 Court of Special Appeals.—ORDER—The court having considered the motion for reconsideration filed in the above entitled case, it is—ORDERED, by the court of appeals of Maryland , that the motion for reconsideration and it is hereby denied.—(S Robert M. Bell Chiefs judge's--- date Jan-12-07.

(Appendix #16 appear from this date, all events after)

IN THE COURT OF APPEALS OF MARYLAND
Facsmile/ Signature/ Exact Copy
William Smith V. Alvin Friedman ET.AL. Substitute Trustee-petition docket No. to #242 Sep. term 2006-(No 906) Sep. term, 2005 Court of Special Appeals.—ORDER—The court having Considered the Motion for Reconsideration filed in the above Entitled Case, it is—ORDERED, by the court of appeals of Maryland, that the Motion for Reconsideration be, and it is hereby, denied.—Signature Robert M. Bell Chief Judge—Date Dec-8-06

(Appendix 17th appear from this date, all event after.)

IN THE COURT OF APPEALS MARYLAND
Facsmile /Signature/ Exact Copy
William Smith V. Alvin Friedman ET.AL. Substitute trustee.—petition docket No. #242 Sep. term 2006—(No. 906,) Sep term, 2005 Court of Special Appeals)—ORDER—Upon Consideration of the petitioner for a writ of certiorari to the court of Special Appeals filed in the above Entitled case, it is.—ORDERED--, By the court of appeals of Maryland that the petition be, and is hereby, denied as their has been no showing that review by Certiorari is desirable and in the publics interest (s) Robert M. Bell Chief Judge—Date Sep-15-06

(Appendix #13 appear from this date, all events after.)

IN THE COURT OF APPEALS MARYLAND
Facsmile / Signature /Exact Copy
William Smith Petitioner V. Alvin Friedman ET.AL. Substitute Trustee.—Petition Docket No. #242 Sep Term, 2006—(No. 906), Sep. term 2005 Court of Special Appeals.—RECONSIDERATION MOTION—COURT ORDER in err, Deprived the petitioner of due process and equal protection, Safey, of the constitutional guaranteed law of the land scrutiny.--** Authorities—Court order err, is a question of law of a jurisdictional matter,(Extrinsic Fraud), by the respondents bad faith knowledge, Motive, and intent, of lack of timely jurisdictional authority, to all courts Aug 20-97 to date.—Deprived Amend. #1,4,5,7,8,14, equal protection.-- #1 Jurisdictional authority timely to all court is

mandatory, is the greatest responsibility, accountability liability of the filing party in this case the legal respondent. The respondent did file of its own free will an express waiver of admission of guilty (plea), estoppel (Bar) defense, that resolved the lack of jurisdictional matter in the petitioners favor—The court only needs to finalize the admission defence and give relief as per constitutional standard principle.--#2- Respondent legal express wavier admission). Maxim-A person who is silent does not indeed confess, but yet it is true that he does not deny.)—(Safety protect) strict scrutiny of due process (amend #5) and equal protection Amend #14.Which clearly states—nor shall any states—deprived—any person of life, liberty, or property, without due process of law.—Nor Deny—TO—any person within its jurisdiction its equal protection of the law.? (Compelling reason of law.)- ** The court ORDER err, a question of constitutional law.—Maxim- Let justice though the heavens should fall.—under the law. *(A) order (s) Robert M. Bell?—Maxim-The law is not concerned with matters of least consequence. ORDER deal with lesser consequence. Maxim- The law works an injustice to no one, and does no wrong to no one.—The court defective order punish the innocent petitioner and let the guilty respondent go free. The law, the highest form of reason * (The law can not arise from fiction of injustice.*Court err is unjust fiction of law.—Is an assumption that something is true.

(Appendix #18 appear from this date,all events after,)

Supreme Court, U.S.
FILED
07-11 MAR 5 - 2007
OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES

WILLIAM SMITH (PRO SE)

Petitioner

V.

ALVIN FRIEDMAN, ET AL SUBSTITUTE TRUSTEE

Respondent

On Petition For Writ of Certiorari To The

COURT OF SPECIAL APPEALS MARYLAND PER SUPREME COURT EXPRESS WAIVER CASE NO. (01-1391)

.....

SUPPLEMENTAL APPENDIX FOR PETITION FOR WRIT OF CERTIORARI

(Pro se) William Smith
1001 Saddle Hill Rd Deland Fl. 32720
Ph# 386-748-8030

QUESTION PRESENTED FOR REVIEW

(1) The supreme court, must honor constitutional guaranteed bill of rights due process, and equal protection, authority over this case illegal jurisdictional questions of laws, in conflict with standard, other legal jurisdictional authority. Let justice be done though the heavens should fall. Respondent never had a legal case (a) Preserve truth of fact, no one is above the law. (b)All courts must answer the due process and equal protection compelling justice question strict scrutiny of the case, for court err, right to over rule constitutional authority as stated in the law of the land protection to the people Safety.

(2) The courts were not legally correct, on the law justice question of constitutional guaranteed bill of rights authority, supervision of the lower court err of lack of jurisdictional authority, as per standard conflict to constitutional requirement, of preserving rights to **(a)Amendments #1 redress.-- Amend #4 unreasonable searches and seizures shall not be violated.—Amend #5 Deprive of life, liberty, property without due process of law.—Amend #6 Deprive confrontation with respondent and witnesses against petitioner.—Amend #7 Deprived of preserved right of trial by jury . Amend #8 10 years of extreme undue prejudice, cost is an unusual punishment inflicted. Amend #14 Deprived of good life, life, liberty, property without due process of law.-- Deprived within the Maryland circuit court jurisdictional, authority, the equal**

protection rights of the laws. As stated in this legal respondents jurisdictional omission duty. And unconstitutional conflicts, lack of jurisdictional authority to all courts to this end.

(3) Court was not legally correct, on the justice of respondents express waiver admission consent, to the lack of jurisdictional authority to all courts, as per constitutional standard principle of law, legal authority over the whole complete case. As true. (a)Court can not use the authority to benefit the respondent, and entrap the petitioners constitutional rights as legally guaranteed to resolve this case **justice not impossible remedy.**

(4) The respondent (extrinsic fraud) omission dispute lack of legal jurisdiction to all courts, is intent with knowledge, motive of (extrinsic fraud). Requesting known illegal (Ex parte) hearing. Received circuit court defective summary judgment on illegal (Ex parte) hearing, And use of forged document, to convince court to err, and sustain err, with the court having no knowledge the above is fraud, as fraud on the court. **The Respondent own free will express waiver of admission corroborates these question as true before this court can not cure the remedy for fraud.**

(A) Under constitutional guaranteed due process of law, for justice for all, format standard, can never out weigh, over rule, take precedence over quality substance in evidence truth **(justice)** before the court must **prevail . FICTION MUST YEILD TO TRUTH.!?**

(B) A person who commits this evil deed secretly, is by constitutional law is punished more severely than one who acts openly. Respondent (extrinsic fraud) to this illegal lack of jurisdictional authority to all courts, was done secretly from an illegal intentional fraud foreclosure un certifiable debt dispute. Which is by law, not in existence, not true, NO DEBT, not enforceable by (contract) Constitutional Standard of Law. **Is fraud on the court.**

(C) The request is for, this Great court to expand its constitutional guarantees jurisdiction, to a legal finding of the respondent as guilty of this crime, by due process, and equal protection rights of the preponderance of evidence, in the record, corroborated by the legal respondents own free will clear and convincing express waiver of admission consent, legal justice evidence. **The guilty must not go free, for committing the crime. And court err punish the innocent.**

(D) <u>COURT WAS NOT LEGALLY CORRECT ON TRUTH,FACTS,EVIDENCE,WAIVER PER LAW</u> Court did not legally finalize the respondent express waiver guilty (plea) and give damages to the known innocent petitioner, and required standard by law of the land.!? **Clearly Reversible err.**

(E) It is the CRIME that causes the shame and not the SCOFFOLD.) Respondent bad faith intent, caused this cause, that cause this evil effect.

(F) QUESTION- **Good law justice,** Requires **no impossible remedy**, for the strongest justice in law. Respondent free will **Express waiver consent makes law.? The respondent illegal crime made this their advantage to law, should also have the crime's defense, disadvantage, if justice is to be served.**

(G) QUESTION **Cold reality,** Courts Judgments **double standard** against **equal justice. The same law protection, the respondent exercise, is the same law protection the petitioner possess.**

(H) QUESTION FACT. By law, by evidence in the records, and by respondents admitting the (pro se) petitioner is innocent and the respondent is guilty. Why is this (extrinsic fraud), fraud on the court, court lack of legal jurisdictional authority, circuit court action barred by constitutional due process and equal protection strict scrutiny of law SO WHY IS IT, TO THIS DATE, AN IMPOSSIBLE FINALIZING, FAIR JUDGMENT FOR THE PLAINTIFF FOR THIS COURT'S JUSTICE REMEDY TO FIT THE CRIME GIVE RELIEF.!?

(I) Respondent Aug-20-97, with knowledge ,motive, intent of the bank fraud foreclosure, the bank would not certify the debtless foreclosure, had no case, but secretly still committed fraud on the court.

(J) Frivolous law suite, that never should have been filed.

LIST OF PARTIES

[√] All parties do not appear in the caption of the case on the cover page. A List of All parties to the proceedings in the court whose judgment is the subject of this petition is as follows.

Agent #1 case CAE-97016794 (Extrinsic Fraud) Respondent substitute trustees. Supreme Court bar Kenneth J. Mac Fadyen, P.A, Totman building suite 400, 210 E. Redwood Street, Baltimore MD.21202—Ph# (410) 685-1763

Respondent's Circuit Court only (Extrinsic Fraud) Attorney Tessa Laspia Frederick, Miles and Stockbridge P.C. 10 Light Street Baltimore MD. 21202—PH# (410) 727-6464.

APPENDIX #19 Unreported Opinion

NOTE- Petitioner is requesting the court honor due process and equal protection strict scrutiny of the Maryland Court of special appeals order No. 906 Sept term 2005. Opinion by Getty J. Filed April-28-2006,as per Maryland rule 8-114 unreported opinion is known court (err) of uncertainties, contradictions of laws and facts, and conditions with ambiguous statements there from, resting on fiction of law and facts, that must yield to truth of record and principle of constitutional law authority. This unreported opinion, has no authority over this court review as per the legal standards of the law of the land authority I pray.

Facsimile/Signature/Exact Copy
Unreported. In the court of special appeals of Maryland
No. 906 Sep Term, 2005
William Smith V. Alvin Friedman ET.AL. Substitute Trustees
Murphy, C.J.,-Getty, James S. (Ret, Specially assigned), Rodowsky, Lawrence F.-(Ret, Specially assigned),-- JJ.—Opinion by Getty, J.—filed: April 28th, 2006—CAE:-97-16794

Compounding the absent of an Appealable issues is appellant's in ability to st This matter originated with a foreclosure sail filed in 1997 by the Substitute trustees in their capacity as foreclosure counsel to Bank of America. The property, being foreclosed for default in payments on a promissory note, was the residence of William Smith, appellant, who resided in prince George's county.

The contretemps of this foreclosure action are that, after four appeals, all denied adversely to appellant, neither the Supreme Court of the United States, the court of appeals, the Court of special appeals, nor the Circuit Court of prince Georges County can dissuade appellant from continuing this futile efforts to resuscitate his claims of fraud, mistake or irregularity in the foreclosure proceeding.

ate clearly and concisely his response to the ruling he has appealed into prior unreported proceedings before this court, similar problems arose. In William Smith V. Bank America Mortgage, FSB, No.1832,September Term 1999, this court stated: "Smith has appealed to

this court from the child's court's decision. His arguments on appeal or for the most part, unintelligible."

In William Smith V. Bank of America F.S.B., No.1351 Sep term ,2002 commenting on appellant's "Unfortunate" decision to represent his self, this court stated: "ignorance of procedure can prove Lethal to this case for a novice such as Smith in Smith's case, it has foreclosed his opportunity to attempt to prove that the sale was the result of fraud.! Unfortunately, Appellant has not excepted the court's advice.

It is of no consequence, how ever, that the appellant is representing himself because we require that all parties comply with the rule appellate procedure

The procedural evidentiary and appellate rules apply alike to parties and their attorney's. No different standards apply when parties appeals pro se.—Tretick V.Layman, 95 Md. App.62,86 (1993).

THIS CASE

A Foreclosure action was filed by the substitute trustees end 1997, and a foreclosure sale was conducted on July-27-1998 the bank purchased the property for $110,835.00. the sale was ratified of Nov-9-1998 and no exceptions was filed.

The matter was referred to a court auditor, who reported on April 15-1999 that the Nets proceeds for the sale resulted in a deficiency of $1,158.34. appellate filed and exceptions to the auditor's report and, prior to a hearing on its exceptions, on July-21-1999, he filed suite against the bank, alleging that Bank Employees fraudulently altered his check.He did no

seek to void the foreclosure, but he request damages in the amount of $1,500,00.

Appellant's Exceptions to the auditors was over ruled by the circuit court in Sept.99 following the affirmance of the auditor's report, appellant filed his first appeal to this court, not with standing that the foreclosure was then and enrolled judgment. He alleged in his appeal that the foreclosure sale was contained by fraud, deception, and irregularity. This court held that the appellant failed to present any creditable evidence to a trial court of fraud, mistake or irregularity, as contemplated by the rule 21-535 that would warrant vacating the enrolled judgment ratifying the foreclosure sale of appellant's house.

Undaunted by this court's denial of his motion to revise the judgment of the trial court, appellant filed a petition for writ of certiorari, which the court of appeals denied on or about June 25th, 2001 appellate filed a petition for writ of certiorari to the Supreme Court of the United States.

In addition to this actions filed against the substitute trustee appellant filed and action against Bank America and Attempted to raise the same issue that was raise in the foreclosure case against the same party. The complaint was dismissed by the trial court with prejudice in Aug.25th -2002. On Aug 19th-2002 another appeal was filed. William Smith V. Bank America Mortgage F.S.B. No.1351, Sep term 2002. In an unreported filed June 24-2003 this court affirm the judgment in favor of the bank, based upon the doctrine of Res Judicata.

Again, appellant sought review by the court of Appeals and by the Supreme Court, both petitions were denied. In September-2004 and on January 3rd 2005, April 13th 2005, and May 25th 2005 appellate motion alleging "illegal jurisdiction" which resulted in the trial court (platt, J.) Stating the appellant's motion was with out merit and has previously been denied by the court on May 16th 2005. Thus, appellant ignored May 16th denial of his motion by Judge Platt and refiled the same motion nine days later.

Appellant's most recent appeal, date, June 27th 2005, we presume is in response to Judge Platt denial of the appellant motion questioning the court's jurisdiction, We note that, in appellants motion filed in the Supreme Court against the substitutes trustees and against Bank America, the respondents in each case filed a notice with the court stating that "I do not intend to file a response to this petition for a writ of certiorari unless one is requested by the court." Despite the fact that both petitions were denied, appellant construes the respondent's electing not to file a reply as an admission of guilt in the allegedly unlawful foreclosure proceedings.

For the final time, we instruct appellate that the foreclosure proceeding had been upheld by ever court from the Circuit Court of Prince George's County through the Supreme of the United States. Any attempt by appellant to continue filed frivolous motions or appellants relating to foreclosure proceed will not warrant a response beyond denied "denied"

Further consideration for this case will be a waste of judicial resources and any added expensive to the appellant neither is justifiable.

Appeal Dismissal; Costs Will be Paid by appellant

Appendix #19 appear from this dates events after

AFFIDAVIT

" I William Smith under the penalty of perjury, due solemnly swear and affirm on personal knowledge, I am over 18 years of age. I am competent to testify in any court, on all evidence contents were timely placed before all court for this lack of jurisdictional authority respondents matter, failure of duty to all courts err and statement of the petitioner herein are true.

RESPECTFULLY SUBMITTED

CERTIFICATE OF SERVICE

I William Smith certify a true copy of this notice of appeal and its petition for writ of certiorari was sent to new noe Supreme Court attorney T.L. Frederick law office of Miles and stock bridge #10Light Street Baltimore Maryland 21202 ph# (410-727-6464.)

To Supreme Court bar attorney Kenneth J. Mac Fadyen law office of Friedman and Mac Fadyen PA. Totman Building suite 400, 210, (E) Redwood Street, Baltimore Maryland 21202-3399

From William Smith (pro se) petitioner, 1001 Saddle hill rd deland FL. 32720—PH# CELL 386-748-8030 HOME 386-734-0456

RESPECTFULLY SUBMITTED

71

(3)

FILED
OCT 10 2007

DOCKET NO-07-11

IN THE SUPREME COURT OF THE UNITED STATES

WILLIAM SMITH (PRO SE)

Petitioner

V.

ALVIN FRIEDMAN, ET. AL. SUBSTITUTE TRUSTEE

Respondent

On Petition For Writ of Certiorari To The

COURT OF SPECIAL APPEALS MARYLAND PER SUPREME COURT EXPRESS WAIVER RESPONSE CASE NO. (01-1391) & NO. (07-11)

PETITION FOR WRIT OF CERTIORARI REHEARING

(Pro se) Petitioner William Smith
1001 Saddle Hill Rd. Deland Fl. 32720
PH# 386-734-0476

DOCKET NO-07-11

IN THE SUPREME COURT OF THE UNITED STATES

WILLIAM SMITH (PRO SE)

Petitioner

V.

ALVIN FRIEDMAN, ET. AL. SUBSTITUTE TRUSTEE

Respondent

On Petition For Writ of Certiorari To The

COURT OF SPECIAL APPEALS MARYLAND PER SUPREME COURT EXPRESS WAIVER RESPONSE CASE NO. (01-1391) & NO. (07-11)

PETITION FOR WRIT OF CERTIORARI REHEARING

(Pro se) Petitioner William Smith
1001 Saddle Hill Rd. Deland Fl. 32720
PH# 386-734-0476

QUESTION PRESENTED FOR REVIEW

The court order in err bar the people's bill of rights guarantees, to self government for the people by the people to preserved all questions of guaranteed constitutional rights Safeguard protection. Issues are grounds for writ of certiorari

(a) Constitution can not guaranteed any deed for or against any power or authority it has no legal remedy for courts to preserved due process.

(b) The petitioner, by obeying constitutional authority, QUESTION what crime did the petitioner commit against the peoples constitutional law of the land request equal protection guaranteed. Respondent did not deny this crime.

(c) Where in this order, is my legal jurisdictional justice, without this writ of certiorari.

(d) Court order denying writ of certiorari, to all case law confirmed legal issues to grant writ of certiorari is not supported by all elements of justice for this case, Why furthered differential treatment.

(e) The order protects the respondent admitted crime, waiver is not a confession. But clearly did not deny. The truth herein But still the court abandon constitutional justice of due process and equal protection of Safeguard law. Against the law, petitioner, for the respondents crime.!? (Injustice)

(f) Respondents lack express waiver authority to respond. But should not bar granting writ of certiorari, on issues of this appeal before this court.

(g) Court should expand its jurisdiction, to confirm the justice as promised, by the bill of rights

(h) Order rule for respondents crime. Against the fixed income, disability, retired petitioner rights.

LIST OF PARTIES

[ ] All parties do not appear in this caption pf the case on the cover page. A list of all parties to the proceedings in the court whose judgment is the subject of this petition is as follows.

Agent #1 case CAE-97-016794 (Extrinsic Fraud) lack of legal jurisdiction. Case#(01-1391) Respondent substitute trustees. Supreme Court bar Kenneth J. Mac Fadyen, P.A. Totman Building Suite 400, 210 E. Redwood Street, Baltimore Maryland 21202-
PH# (410)-685-1763

Respondent agent (as of 8/13/07) Case #(07-11) (Extrinsic Fraud) lack of legal jurisdictional authority respondent. Supreme Court bar Agent John R. Fischel of Miles & Stockbridge P.C. #10 Light Street, Baltimore Maryland 21202 PH# (410)-727-6464

STATEMENT OF THE CASE-

Respondents (Extrinsic Fraud) lack of legal jurisdictional authority, all courts from Day #1 to this end, is clearly unconstitutional. Is clearly unjust, circuit court harmful reversible err. This high court WRIT has authority to review the lower court and correction of its now known harmful reversible err. Lack equal protection. Respondent had no legal case, debt. Request writ of certiorari Technicality fiction, not to over rule legal substance CONSTITUTIONAL FRAUD JUSTICE KNOW NO FATHER OR MOTHER FOR PROTECTION

This high court (writ of certiorari) has the constitutional authority to make this correction on this one party appeal request. Not impossible for justice remedy. NOTE- This is only a one party appeal, because the respondent in this case has filed of its own free will an express waiver of admission (plea), defense, from which constitutional equal protection give the same advantage, and disadvantage with full legal knowledge of the case, with no impossible burden on any party. The case is a question of jurisdictional law as guaranteed only.

The writ honor constitutional due process and equal protection to all that appear on the request, which embodies all guarantee's of equal treatment which normally applied not only to the procedural express (waiver) an enforcement of laws (legal jurisdiction) and any deprived amendments # 1.-4.-5.-6.-7.-8.-14 harmful err. but also to the substantive contents of their provisions which must be just an equal to the constitutional principle of

strict scrutiny, in which this case can not, rise to this requirement level of equal protection strict scrutiny, for Equal justice. To be constitutional (Appendix #1 and #2)

THIS PRICE IS UNCONSTITUTIONALLY TOO HIGH. PUT THE PUBLIC LIBERTIES AT RISK

(a) The Supreme Court order err is defective in its lack of sound, reasonable rational respect for what the respondent (extrinsic fraud) free will crime committed, without respect for constitutional law. Court has no jurisdiction, it has no legal case.

(b) The court order err is without rational safety safeguards for the confirmed admitted undisputed, corroborated, judicial evidence to the fabricated evidence truth, before this court. And Can not be used to exonerate the respondent and its express waiver of admission defense (plea) and respondent on court err go free is unconstitutional/ (Appendix #1 and #2 and #5).

COURT CAN NOT BE THE ADVERSARY

(c) The court order is defective err without rational safeguards to the publics risk. The court that excepts the respondent consent to express waiver admission (plea), must finalize the (plea), and find the respondent guilty. Can not deny the charges, in evidence in the records. The court must finalize the free will admission as law, and find the respondent guilty as charged is constitutional principle of law. Due Process and equal protection

(d) Court order defective has no public equal protection Safety against this impunity, to let the respondents and its supporters go free, and continue aggression against the publics life, liberty,

property, home without any risk to the fraud, this price is to high. The respondent did not deny the evidence truth. Err should not force petitioner to abandon rights. (Appendix #1 and #2 and #5)

WITHOUT STRICT SCRUTINY TO THIS CASE THERE CAN BE NO EQUAL PROTECTION.

(e) The respondents express waiver is judicial supreme court evidence of admission. The record evidence, and the petitioners evidence is judicial evidence before all court. High quality undisputed evidence which is more specific and definite to the crime. Clear and convincing evidence of certain truth. This is a greater burden than preponderance of evidence required be law, writ should be granted (Appendix #2 and #5)

RESPONDENT DID NOT DENY EVIDENCE

(f) There is no conflicting evidence. No needed argument.!? The evidence before the court is corroborated. The petitioner placed legal affidavits of direct corroborated evidence to prove the fact of crime. The proof of respondent fabricated evidence to deceive the court is confirmed and corroborated by both parties, and documents on record which is incriminating evidence to established guilt. And the newly discovered evidence of DIRECT IMPACT to Connection of *appendix #11 GMAC MORTGAGE fraud foreclosure, breach of contract, on confirmed and corroborated indisputable default less payments of oct-06, Nov-06, (their illegal claim) was timely paid. No debt, no default, no case, but it drive up cost, control and harm credit, contaminate and intimidate process,

make sure no money for attorney .!? to defend this case due process and equal protection to this end.

NOTE Those payments money is held by our bank, and for due process and equal protection strict scrutiny conclusion to case number 200710025 CIDL, IN VOLUSIA COUNTY FL.

This Direct impact case is one and the same to *Appendix #9) bank of America waiver of admission 1,-15,-04 case #03-886 and waiver #2. And *(Appendix #8) This Respondent express waiver to this supreme court. Up to this present 8-13-07 Case #07-11. Point of law what is clearly obvious in evidence before court need not to be proven. Maxima- party under oath should be believed.!? (Appendix #3 and #4 and#5)

NOTE *(Appendix #9) For the record this is the original loan fraud, that is connected to bank of America original (intrinsic fraud) (Express Waiver of admission Supreme Court case #03-886 That is costing the petitioner $1,605.57 each month, FOR the original fraud loan of $125,000 at 15.25000% fraud interest. POINT- Poor has no money can not defend rights.!? Every one know, this Rate is too high. But HARMFUL. Proof is in the records.!? (Appendix #3 and #4 and #5)

ALL PARTIES MADE MONEY OFF OF THE BANK OF AMERICA (INTRINSIC FRAUD). (Appendix #3 and #4 and #5)

NOTE- Before the fraud, the original cost, to the loan was $750.00 each payment, then Bank America, and respondent placed their fraud on record and personal impact contamination to drive payment up to $1,605.57 a month was added to

control money to date. Knowing this parties income. NOTE- Petitioner now on fixed income.!?

For the record this original loan the payment was interest only at $19,2720 a year. I filed my first Supreme Court appeal, bank one change the loan payment to principle and interest. The interest to date is about $18,492 a year. The Interest from 08-02-97 to date average from $192,720.00 To $184,920.00, this is free fraud connected money.

NOTE- Loan was needed, to defend this constitutional guaranteed rights of due process and equal protection. And get my properties out of bank America's (Intrinsic Fraud), and respondent's (Extrinsic Fraud) greedy reach, or lose it, all to this end. (No one can defend without money.!) (Appendix #3 and #4 and #5).

NOTE- No one forced bank of America, and its agent the respondent to commit this crime with full knowledge it is a crime against the peoples, and protected by its constitutional guarantees safety. The petitioner clearly request petition for writ of certiorari, as per constitutional due process and equal protection strict scrutiny, resolution to this crime the petitioner pray for justice to be done. As The respondent only sit, and watch the innocent defend a crime that never should have been committed under constitutional equal protection.!?

RESPECTFULLY SUBMITTED

(Pro se) petitioner William Smith, 1001 Saddle Hill Rd. Deland Fl. 32720. PH# 386-734-0476

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543-0001

William K.. Suter Clerk of the Court (202)-579-3011
October 1, 2007

MR. William Smith
1001 Saddle Hill Rd
Deland Fl. 32720

RE: William Smith V. Alvin Friedman, ET. AL.
No. 07-11

Dear Mr. Smith: The court today entered the following order in the above entitled case:

The petition for writ of certiorari is denied.

Sincerely, [s] William K. Suter , Clerk

(Appendix #1 Appear in 10-1-07 events to date.)

WAIVER---SUPREME COURT OF THE UNITED STATES—Supreme Court case number. (07-11----- William Smith (petitioner) V. Alvin Friedman, ET. AL (Respondent).—I do not intend to file a response to the petition for a writ of certiorari unless one is requested by the court.—Please check one of the following boxes:-- [xx] Please enter my appearance as counsel of record for all respondents.—[ ] There are multiple respondents, and I do not represent all respondents.—Please enter my appearance as counsel of record for the following respondents with (s)---- Certify that I am a member of the bar, of the supreme court, of the united states(please explain name change since bar admission): Signature [s]—Date 8-13-07—(Type or print) Name **John R. Fischel** [xx] Mr.[ ] Ms. [ ] Mrs. [ ] Miss – Firm **Miles & Stockbridge P.C.--** Address **10 Light Street.**—City **& State Baltimore, MD.** Zip **21202**—Phone **(410)- 727-6464** – SEND A COPY OF THIS FORM TO PETITIONER'S COUNSEL ARE TO PETITIONER IF PRO SE. PLEASE INDICIATE BELOW THE NAME [S] OF THE RECIPIENT [S] OF A COPY OF THIS FORM. NO ADDITIONAL CERTIFICATE OF SERVICE IS REQUIRED.—Cc: **William Smith.**—Obtain status of case on the docket. By Phone at 202-479-3034 or via the internet at http.// www.SupremeCourts.gov. Have the Supreme Court docket number available.

(Appendix #2 appeared 8-13-07 events to date.)

Bank One, N.A. P.O. Box 26966
Greensboro, NC. 274-19-6966

Letter Head Facsmile/ [s] / Exact Copy
(Stamp Plaintiff Original Copy)
BANK ONE.
William Smith, Evelyn T. Smith 1001 Saddle Hill Rd.
Deland FL. 32720

LOAN INFORMATION

Loan Number 7645145629
Date of original loan: 08-02-97
Type of Loan: Conventional.
Term: 360 -- interest rate:-- 15.2500
Original Amount of loan : $ 125,000
Current Loan Balance: $ 122,751.74
Current Escrow Balance: $ .00
Total monthly payment: $ 1,605.57
Total Monthly Escrow Deposit: $ .00
Next payment due date: 04-01-04
Insurance premium: $ 1.00 Date Due: 10-01

CS001/WF387

(Exhibit # 32-b)

(Appendix #3 appear from this date this court only)

STATE WIDE Bancorp, INC.

Letter Head Facsimile/ [s] Exact Copy

Date 11-17-06 Dear MR. AND MRS, Smith,-- Thank you for choosing STATEWIDE BANK BANCORP, INC. for your Mortgage Needs. Enclosed is the loan application we have discussed.

A new loan of $200,000 with payment selection and a minimum payment of $739.24.- We'll be paying off GMAC, world omni and first community bank laving you with $59,833.31 Cash Left over-- $ 1,343.00 in monthly savings.

In order to expedite your loan application, pleas make copies of all of the items listen below and facts copies to me @ **909-494-4332 as soon as possible.**

/Sign loan application, all pages. / A copy of your Mortgage statement [s] to be paid/ A copy of your home owners insurances policy declaration page./ Copies of your assets (41k,mutual funds, savings account, money market etc...)./ Copy of land survey./ A pest termite inspection, of the property must be preformed by request of the lender. Please schedule that as soon as possible./ As per the United State patriot act, photo copy of drives license and social Security cards for borrowers.

Please forward of all of the listen items to me as soon as possible so that I can obtain a quick approval on your loan. If you should have any question feel free to contact me.

Sincerely, Brian W. Ciszek Sr. Loan Consultant STATE WIDE BANCORP, INC. 800.737.0104- Ex 1048- and Jon Berry- Loan Associate STATE-WIDE BANCORP, INC. 800.737.0104 Ex 1127 (Appendix #4 Appear in FL. And this court)

==========IV==========

CASE LAW- " Equal protection does not require that all persons be dealt with Identically, but it does require that a distinction made have some relevance to the purpose for which the classification is made." Baxstrom V. Herold, 383 U.S. 107,111, 86 S.Ct. 760, 763 (1966).

CASE LAW- The words due process of law was undoubtedly intended to convey the same meaning as the word by the law of the land, in Magna Charta Murray's Lessee V. Hoboken land & Improvement CO. 59 U.S. (18 how.) 272.276 (1856) (Curtis, J.).

CASE LAW- " As in all equal protection cases, the crucial question is weather there is an appropriate governmental interest suitably furthered by the differential treatment" Police Dep't. V. Mosley 408 U.S. 92, 95, 92 S.Ct. 2286, 2290 (1972)

CASE LAW- " The equal protection principle is exclusively associated with written constitutions and embodies guarantees for equal treatment. Normally applied not only to the procedural enforcement of laws but also to the substantive to their provisions. In other words, the equal

Protection of laws is invariably treated as a substantive constitutional principle which demands to the law will only be legitimate if they can be described as just an equal.!! Polyvios G. Polviou, The Equal Protection of the Laws 4(1980).

(Appendix #5 to this end).

AFFIDAVIT

I William Smith (pro se) petitioner, Certify under the penalty of perjury that the foregoing petition for rehearing request for writ of certiorari and the evidence herein is true and correct

EXCUTED DATE----------

RESPECTFULLY SUBMITTED

CERTIFICATE OF COUNSEL

I William Smith (Pro se) petitioner certify in good faith and not for delay, #3 copies of this rehearing petition for writ of certiorari was sent- 10/ /07 to respondents attorney of record – John R. Fischel Miles and Stockbridge P.C. # 10 Light Street Baltimore Maryland 21-202. PH# (410)-727-6464

In Good faith RESPECTFULLY SUBMITTED

(Pro se) petitioner